

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:17-cr-00130-MR-DLH**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MARLON HOWELL,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Seal Sentencing Memorandum [Doc. 25].

The Defendant, through counsel, moves the Court for leave to file a Sentencing Memorandum under seal in this case. For grounds, counsel states that the memorandum includes detailed sensitive and private personal information concerning his background and prior sentencing, as well as information contained in his Presentence Report, which has been filed under seal. [Doc. 25].

Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the

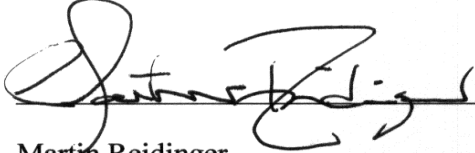
documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4<sup>th</sup> Cir. 2000). In the present case, the public has been provided with adequate notice and an opportunity to object to the Defendant’s motion. The Defendant filed his motion on August 6, 2018, and it has been accessible to the public through the Court’s electronic case filing system since that time. Further, the Defendant has demonstrated that the Sentencing Memorandum contains sensitive information concerning the Defendant and that the public’s right of access to such information is substantially outweighed by the Defendant’s competing interest in protecting the details of such information. Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the Sentencing Memorandum is necessary to protect the Defendant’s privacy interests.

Accordingly, the Defendant’s Motion to Seal is granted, and counsel shall be permitted to file a Sentencing Memorandum under seal.

**IT IS, THEREFORE, ORDERED** that the Defendant’s Motion to Seal Sentencing Memorandum [Doc. 25] is **GRANTED**, and the Defendant’s Sentencing Memorandum [Doc. 26] shall be filed under seal and shall remain under seal until further Order of the Court.

**IT IS SO ORDERED.**

Signed: August 13, 2018

  
Martin Reidinger  
United States District Judge

